

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 Shafonda Gholson,

5 Plaintiff,

6 v.

7 State of Nevada, *et al.*,

8 Defendants.
9

Case No. 2:19-cv-00246-APG-BNW

REPORT AND RECOMMENDATION

10 On March 22, 2021, the Court screened Plaintiff's complaint and ordered that Count I
11 proceed against Defendants James Harris and Kurt Graham in their individual capacities. ECF
12 No. 17 at 9. The Court dismissed Count I as to other defendants but gave Plaintiff leave to amend
13 her complaint, if she so chose, by April 12, 2021. *Id.* at 10. The Court advised Plaintiff that if she
14 did not amend her complaint, the case would move forward against Defendants Harris and
15 Graham only. *Id.* Plaintiff did not amend her complaint.

16 The Court subsequently gave Plaintiff instructions on how to serve defendants with the
17 assistance of the U.S. Marshal. ECF No. 20. The Court gave Plaintiff until June 25, 2021 to file
18 the USM-285 forms to allow the U.S. Marshal to effect service. *See id.* at 2. Plaintiff did not
19 respond to this order or file the USM-285 forms as required.

20 On November 1, 2021, the Court gave Plaintiff a final opportunity to file the USM-285
21 forms with the Court. ECF No. 21. The Court ordered Plaintiff to file the USM-285 forms by
22 November 22, 2021. *Id.* The Court also advised Plaintiff that a failure to comply with this order
23 would result in a recommendation that this case be dismissed. *Id.* Plaintiff did not comply with
24 this order or otherwise respond. Plaintiff appears to have abandoned this case.

25 **IT IS THEREFORE RECOMMENDED** that Plaintiff's case be dismissed without
26 prejudice and that this case be closed.
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NOTICE

This report and recommendation is submitted to the United States district judge assigned to this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation may file a written objection supported by points and authorities within fourteen days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991).

DATED: December 2, 2021.



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE